

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:09-CR-156 (GBL)
)	Judge Gerard B. Lee
)	
SHERMAN ALAN TURNER,)	
)	
Defendant.)	
)	

**DEFENDANT SHERMAN ALAN TURNER’S
REPLY IN SUPPORT OF HIS
MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE
UNDER 28 U.S.C. § 2255**

In its Response and Non-Opposition to [Sherman Alan] Turner’s Motion Under 28 U.S.C. § 2255, the Government agrees that, per the Supreme Court’s recent decision in *Johnson v. United States*, 135 S. Ct 2551 (June 26, 2015), Defendant Sherman Alan Turner merits relief under 28 U.S.C. § 2255 from his 15-year sentence under the Armed Career Criminal Act (“ACCA”). *See* ECF No. 86. The Government also agrees that the Court should re-sentence Mr. Turner to time-served and order him released from prison—albeit with any period of supervised release the Court deems appropriate. *Id.*

Absent an ACCA sentencing enhancement, the statutory maximum term of supervised release for Mr. Turner’s offense of conviction—possession of a firearm by a felon in violation of 18 U.S.C. § 922(g)—is three years. *See* 18 U.S.C. § 3559; 18 U.S.C. § 3582(b)(2). And the U.S. Sentencing Guidelines recommend a supervised release term of one to three years. *See* U.S.S.G. § 5D1.2(a)(2). Given that Mr. Turner has already been incarcerated for 65 months—or more

than two years longer than the Guidelines recommend—Mr. Turner respectfully requests that the Court impose a supervised release term, if any, at the low end of the recommended range.

Finally, eager to return to his family, Mr. Turner hereby waives his right to be present at any re-sentencing and consents to the Court deciding his motion on the papers. *See* Exh. 1 (Waiver of Right to Appear of Sherman Alan). However, should the Court feel it would benefit from his presence or oral argument on the motion, both he and counsel stand ready to appear at the Court's earliest convenience.¹

Respectfully submitted,

/s/ Todd M. Richman

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¹ The undersigned counsel also take this opportunity to supplement the previously provided letters of support to include a more recent letter from Mr. Turner's mother, who will turn 90 years old in October. *See* Exh. 2. The undersigned counsel did not receive the letter in time to include it with Mr. Turner's motion, but would be remiss for not bringing it to the Court's attention.

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Dated: September 1, 2015

CERTIFICATE OF SERVICE

I hereby certify that, on September 1, 2015, I caused a courtesy copy of the foregoing to be served on the United States Attorney for the Eastern District of Virginia, Dana Boente, and served the foregoing via the Court's CM/ECF system on:

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